

REMARKS

This responds to the Office Action mailed on May 23, 2008.

Claims 1, 10, 14 and 23 are amended, claim 13 is canceled, and no claims are added; as a result, claims 1-12 and 14-25 remain pending in this application. Support for the amendments may be found throughout the specification and at least on pages 18-22 of the specification. Applicant respectfully requests submits that no new matter has been introduced with the amendments.

Interview Summary

Applicant thanks Examiner Albert Phillips and John Hotaling for the courtesy of a personal interview on October 22, 2008 with Applicant's representative Rodney L. Lacy. Applicant presented proposed amendments. The Examiner agreed that the proposed amendments would overcome the rejection under 35 U.S.C. 102 with respect to Gatto, however further search and consideration would be required to consider the claim amendments.

§101 Rejection of the Claims

Claims 14-18 and 20-25 were directed to non-statutory subject matter. In particular, the Office Action stated that the claims “lack the necessary physical articles or objects to constitute a machine or a manufacture within the meaning of 35 USC 101.” Applicant respectfully submits that the claims in their form prior to the amendment in this response were statutory in that they recited a method and were not software per se. However, in order to expedite prosecution, Applicant has amended the claims to recite hardware elements such as a processor and a memory, thus tying the claims to yet another statutory category. Applicant respectfully submits that claims 14-18 and 20-25 are statutory, and requests reconsideration and the withdrawal of the rejection.

§112 Rejection of the Claims

Claims 11-12 and 24-25 were rejected under 35 U.S.C. § 112, second paragraph, for indefiniteness. In particular, the Office Action stated that there was lack of antecedent basis for the term “event message.” Applicant has amended claims 10, 14 and 23, parent claims of 11-12

and 24-25 such that the parent claims now provide antecedent basis for the “event message” recited in claims 11-12 and 24-25. Applicant respectfully requests reconsideration and the withdrawal of the rejection of claims 11-12 and 24-25.

§102 Rejection of the Claims

Claims 1-4, 6, 8-9, 14-17, 19 and 21-24 were rejected under 35 U.S.C. § 102(e) for anticipation by Gatto (U.S. Patent 6,916,247).

Claims 1, 6-8, 10, 13-14, 19-21 and 23 were rejected under 35 U.S.C. § 102(b) for anticipation by Drummond (U.S. Publication No. 2001/0014881 A1).

Claim 13 has been canceled in this response, therefore the rejection is believed moot with respect to claim 13.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *M.P.E.P* § 2131. To anticipate a claim, a reference must disclose every element of the challenged claim and enable one skilled in the art to make the anticipating subject matter. *PPG Industries, Inc. V. Guardian Industries Corp.*, 75 F.3d 1558, 37 USPQ2d 1618 (Fed. Cir. 1996). The identical invention must be shown in as complete detail as is contained in the claim. *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). It is not enough, however, that the prior art reference discloses all the claimed elements in isolation. Rather, “[a]nticipation requires the presence in a single prior reference disclosure of each and every element of the claimed invention, *arranged as in the claim.*” *Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 730 F.2d 1452, 221 USPQ 481, 485 (Fed. Cir. 1984) (citing *Connell v. Sears, Roebuck & Co.*, 722 F.2d 1542, 220 USPQ 193 (Fed. Cir. 1983)) (emphasis added). Applicant respectfully submits that claims 1-4, 6, 8-9, 14-17, 19 and 21-24 as amended contain elements not found in Gatto and claims 1, 6-8, 10, 13-14, 19-21 and 23 as amended contain elements not found in Drummond.

For example, claim 1 recites “sending service information for the message director service from the message director service to a discovery agent on the gaming network, wherein the message director service receives an event message from one or more of a plurality of gaming clients on the gaming network and in response receiving the event message the message

director service utilizes configuration data to route the event message to one or more gaming clients on the gaming network.” Claim 14 as amended recites similar subject matter regarding a service sending service information to a discovery agent. Applicant has reviewed both Gatto and Drummond, and can find no disclosure of a service sending service information about a message director service to a discovery agent on a gaming network.

Additionally, Applicant has reviewed Gatto and Drummond and can find no disclosure of a message director service that “receives an event message from one or more of a plurality of gaming clients on the gaming network and in response receiving the event message the message director service utilizes configuration data to route the event message to one or more gaming clients.”

Further, claim 1 as amended recites “determining by the discovery agent if the message director service is authentic and authorized.” Claim 14 recites similar language with respect to a discovery agent authenticating and authorizing a message director service. Applicant has reviewed both Gatto and Drummond, and can find no disclosure of authenticating and authorizing a service such as a message director service. Further, there is no disclosure in either Gatto or Drummond of a discovery agent that authenticates and authorizes a service for a gaming network.

In view of the above, claims 1 and 14 recite multiple elements that are not disclosed in either Gatto or Drummond. Therefore claims 1 and 14 are not anticipated by either Gatto or Drummond. Applicant respectfully requests reconsideration and the withdrawal of the rejection of claims 1 and 14.

Claims 2-4 and 6-10 depend either directly or indirectly from claim 1, claims 15-17 and 19-24 depend either directly or indirectly from claim 14. These dependent claims are therefore not anticipated by either Gatto or Drummond for at least the reasons discussed above regarding their respective base claims. Applicant respectfully request reconsideration and the withdrawal of the rejection of claims 2-4, 6-10, 15-17 and 19-24.

§103 Rejection of the Claims

Claims 2-4, 9, 15-17 and 22 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Drummond (U.S. Publication No. 2001/0014881 A1) in view of Gatto (U.S. Patent 6,916,247).

Claim 5 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Drummond (U.S. Publication No. 2001/0014881 A1) in view of Gatto (U.S. Patent 6,916,247) and further in view of Sabbouh, et al. World Wide Web Consortium Workshop on Web Services, April 2001.

Claims 11 and 24 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Drummond (U.S. Publication No. 2001/0014881 A1) in view of Brown (U.S. Publication No. 2003/0110242).

Claims 12 and 25 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Drummond (U.S. Publication No. 2001/0014881 A1).

Claim 18 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Drummond (U.S. Publication No. 2001/0014881 A1) in view of Sabbouh, et al. World Wide Web Consortium Workshop on Web Services, April 2001.

The determination of obviousness under 35 U.S.C. § 103 is a legal conclusion based on factual evidence. *See Princeton Biochemicals, Inc. v. Beckman Coulter, Inc.*, 411 F.3d 1332, 1336-37 (Fed.Cir. 2005). The legal conclusion that a claim is obvious within § 103(a) depends on at least four underlying factual issues set forth in *Graham v. John Deere Co. of Kansas City*, 383 U.S. 1, 17, 86 S.Ct. 684, 15 L.Ed.2d 545 (1966). The underlying factual issues set forth in *Graham* are as follows: (1) the scope and content of the prior art; (2) differences between the prior art and the claims at issue; (3) the level of ordinary skill in the pertinent art; and (4) evaluation of any relevant secondary considerations.

The Examiner has the burden under 35 U.S.C. § 103 to establish a *prima facie* case of obviousness. *In re Fine*, 837 F.2d 1071, 1074, 5 USPQ2d 1596, 1598 (Fed. Cir.1988). To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested, by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974) ; M.P.E.P. § 2143.03. "All words in a claim must be considered in judging the patentability of that claim against the prior art." *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA

1970) ; M.P.E.P. § 2143.03. As part of establishing a *prima facie* case of obviousness, the Examiner's analysis must show that some objective teaching in the prior art or that knowledge generally available to one of ordinary skill in the art would lead an individual to combine the relevant teaching of the references. *Id.* To facilitate review, this analysis should be made explicit. *KSR Int'l v. Teleflex Inc., et al.*, 127 S.Ct. 1727; 167 L.Ed 2d 705; 82 USPQ2d 1385 (2007) (citing *In re Kahn*, 441 F. 3d 977, 988 (Fed. Cir. 2006)).

Each of claims 2-5, 9, 11-12, 15-18, 22, and 24-25 depends from claim 1 or 14, and therefore inherit the elements of claim 1 and 14, including elements related to a message director service publishing service information about itself, and elements related to a discovery service authenticating and authorizing the message director service. As discussed above, neither Gatto nor Drummond disclose such elements. In addition, Applicant has reviewed Sabbouh and Brown and can find no disclosure of such elements. As a result, no combination of Gatto, Drummond, Sabbouh or Brown teaches or suggests each and every element of claims 2-5, 9, 11-12, 15-18, 22 and 24-25, including those elements inherited from their respective base claims 1 and 14. Therefore claims 2-5, 9, 11-12, 15-18, 22 and 24-25 are not obvious in view of any combination of Gatto, Drummond, Sabbouh or Brown. Applicant respectfully requests reconsideration and the withdrawal of the rejection of claims 2-5, 9, 11-12, 15-18, 22 and 24-25.

CONCLUSION


Applicants respectfully submit that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicants' representative at (612) 373-6954 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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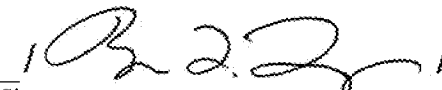
Date October 23, 2008

By 
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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 23rd day of October, 2008.

Rodney L. Lacy

Name


Signature